

**ORDINANCE BY COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

July 15, 2002

**02-0-1013**

**AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT TO THE GEORGIA POWER COMPANY, FOR INSTALLATION AND MAINTENANCE OF NEW OUTDOOR LIGHTING AND NEW UNDERGROUND ELECTRICAL DISTRIBUTION SYSTEM SERVICES WITHIN PIEDMONT PARK, LOCATED IN LAND LOTS 54 AND 55 OF THE 17<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA; THE PIEDMONT PARK CONSERVANCY, INC., ORGANIZATION WILL PAY ALL COSTS ASSOCIATED WITH THIS INSTALLATION AND MAINTENANCE SERVICES IN ACCORDANCE WITH THE PIEDMONT PARK MASTER PLAN, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUEAU OF PARKS; AND FOR OTHER PURPOSES.**

**Whereas, Georgia Power Company has requested a permanent construction and maintenance easement in the City's Piedmont Park, located in Land Lots 54 and 55 of the 17<sup>th</sup> District of Fulton County, Georgia for the installation and maintenance of new outdoor lighting and new underground electrical distribution system services within Piedmont Park; and**

**Whereas, Georgia Power Company is currently working with Piedmont Park Conservancy, Inc. to eliminate all overhead wires located in Piedmont Park and in accordance with the Piedmont Park Master Plan; it is desirable to install new outdoor lighting and to relocate all future electrical distribution system services underground in Piedmont Park; and**

**Whereas, Georgia Power Company is requesting this easement, so as to be able to service and maintain their equipment which will be installed in Piedmont Park; and**

**Whereas, Piedmont Park Conservancy, Inc. will be responsible for the payment of all costs (estimated at \$1,000,000.00) associated with this permanent construction and maintenance easement in accordance with the Piedmont Park Master Plan, once approval has been granted, at no cost to the City of Atlanta; and**

**Whereas, a permanent construction and maintenance easement is required to install the new outdoor lighting and new underground electrical distribution system in Piedmont Park located in Land Lots 54 and 55 of the 17<sup>th</sup> District of Fulton County, Georgia.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
as follows:**

**Section 1: That the Mayor be and is hereby authorized to grant a permanent construction and maintenance easement to the Georgia Power Company for installation and**

maintenance of new outdoor lighting and new underground electrical distribution system services in Piedmont Park located in Land Lots 54 and 55 of the 17<sup>th</sup> District of Fulton County, Georgia.

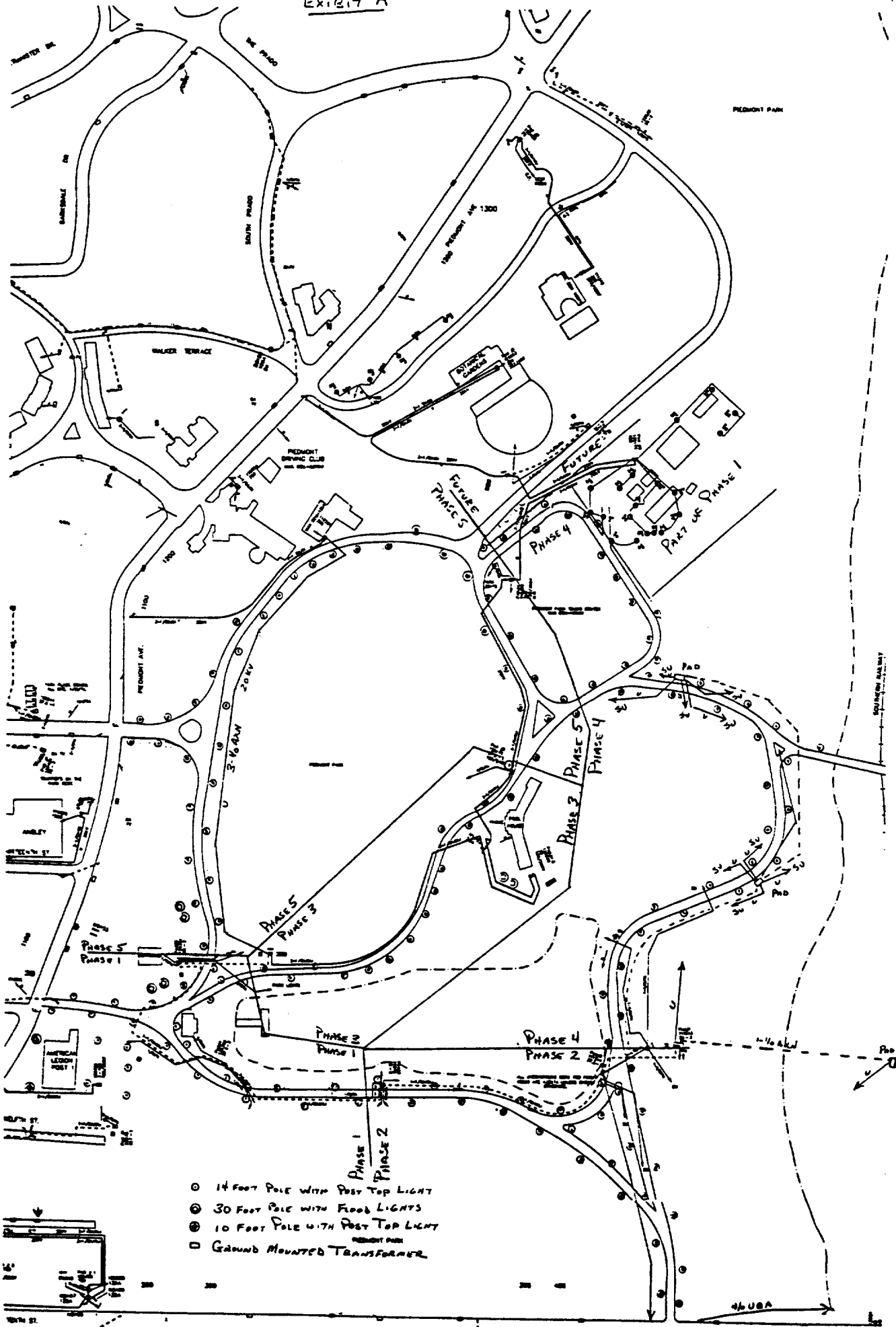
**Section 2:** That the Acting Commissioner of the Department of Parks, Recreation and Cultural Affairs acting as the Mayor's designee, is authorized to review and approve the terms and conditions of the permanent construction and maintenance easement as described and delineated on the drawing attached hereto as Exhibit "A", and made a part hereof by reference.

**Section 3:** That the Piedmont Park Conservancy, Inc. will be responsible for the payment of all costs (estimated at \$1,000,000.00) associated with this permanent construction and maintenance easement, at no cost to the City of Atlanta in accordance with the Piedmont Park Master Plan.

**Section 4:** That the City Attorney is hereby directed to review and approve the terms and conditions of the permanent construction and maintenance easement prior to execution by the Mayor.

**Section 5:** That all Ordinances and parts of Ordinances in conflict herewith be and the same hereby are repealed.

# EXHIBIT "A"



## Easement

STATE OF GEORGIA,

Name of Line. \_\_\_\_\_

Fulton

COUNTY

Account No. \_\_\_\_\_

Received of GEORGIA POWER COMPANY, hereinafter called the Company, the sum of One Dollar (\$1.00), in consideration of which CITY OF ATLANTA (Undersigned) whose Post Office Address is 55 TRINTY AVENUE, SW, ATLANTA, GEORGIA 30335

do(es) hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across

and under that tract of land owned by the Undersigned in Land Lot(s) Number 54 AND 55

of the 17th Land District, Fulton County,

State of Georgia, known as 1275 PIEDMONT AVENUE(PIEDMONT PARK), ATLANTA, GEORGIA..

(street address) and said lands being more particularly described on a plat marked "Exhibit A" attached hereto and made a part hereof,

together with the right to construct, operate, and maintain continuously upon and under said land, its lines for transmitting electric current, with poles, wires, transformers, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles; together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; together with the right to cut away and keep clear of said overhead or underground lines, transformers, fixtures and appliances, all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper operation of said overhead or underground lines, transformers, fixtures, and appliances; also the right of ingress and egress over said land to and from said lines. Any timber cut on said land by or for said Company shall remain the property of the owner of said timber.

The undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

Said Company shall not be liable for nor bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the said undersigned

has hereunto set its hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 02

Signed, sealed and delivered in the presence of:

CITY OF ATLANTA

\_\_\_\_\_  
Witness

\_\_\_\_\_  
property owner's signature

(SEAL)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
print name / title (if applicable)

(SEAL)

(This easement is to be signed in the presence of two (2) witnesses, one of whom must be a Notary Public.) *Easement.doc*

Rec'd  
05/24/02  
D.Y.H.



May 24, 2002

Mr. Karl L. McCray  
Commissioner of Parks  
Recreational, and Cultural Affairs  
City of Atlanta  
City Hall East, Eighth Floor  
675 Ponce de Leon Avenue, NE  
Atlanta, Georgia 30308

RE: Easement for Georgia Power Company Facilities in Piedmont Park

Dear Mr. McCray,

The Piedmont Park Conservancy has been working with Georgia Power for several years to plan and design a new electrical distribution system for Piedmont Park. The plan includes a new underground electrical system serving the park and 139 new decorative light poles lighting the pathways. The cost of these improvements is over one million dollars. The Conservancy is paying the cost of these improvements and the City of Atlanta will not incur any of the costs.

I ask for your cooperation in the processing of the easement request by Georgia Power Company in order that the next phase of construction may proceed expeditiously.

Sincerely,

Debbie McCown  
Executive Director

Kp

Cc: Jay Lowery, Parks Department  
Sushma Dersch, Parks Department  
Ken Gillett, Parks Department  
Dorsey Walker, GP  
David Lyons, GP  
Randy Crews, GP  
Lee Cronan, GP  
Kara Portnell, PPC

**Submitted to Council:** \_\_\_\_\_  
(date)

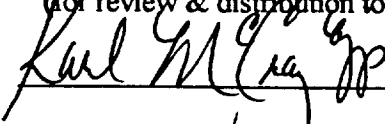
**Action by Committee:**   ☐ **Approved**   ☐ **Adversed**   ☐ **Held**   ☐ **Amended**  
                                 ☐ **Substitute**   ☐ **Referred**   ☐ **Other**

**DPRCA FORM 90-2a**

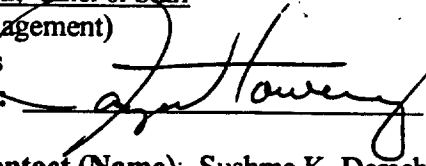
**TRANSMITTAL FORM FOR LEGISLATION**

**TO MAYOR'S OFFICE: Gregory G. Pridgeon, Chief of Staff**  
(for review & distribution to Executive Management)

Commissioner's  
Signature:



Director's  
Signature:



From Originating Dept.: Parks Recreation  
and Cultural Affairs

Contact (Name): Sushma K. Dersch  
404-817-6734

Committee(s) of Purview: CD/HRC

Committee Deadline: 05-27-02

Committee Meeting Date(s): 06-11-02  
06-25-02

Council Meeting Date(s) : 06-17-02  
07-01-02

**CAPTION: ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT TO THE GEORGIA POWER COMPANY, FOR INSTALLATION AND MAINTENANCE OF NEW OUTDOOR LIGHTING AND NEW UNDERGROUND ELECTRICAL DISTRIBUTION SYSTEM SERVICES WITHIN PIEDMONT PARK, LOCATED IN LAND LOTS 54 AND 55 OF THE 17<sup>th</sup> DISTRICT OF FULTON COUNTY, GEORGIA; THE PIEDMONT PARK CONSERVANCY, INC. ORGANIZATION WILL PAY ALL COSTS ASSOCIATED WITH THIS INSTALLATION AND MAINTENANCE SERVICES IN ACCORDANCE WITH THE PIEDMONT PARK MASTER PLAN, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.**

**BACKGROUND/PURPOSE/DISCUSSION:**

The Piedmont Park Conservancy, Inc. organization is working with the Georgia Power Company to eliminate all overhead wires in Piedmont Park and desire to install new outdoor lighting and to relocate all electrical distribution system services underground in Piedmont Park.

Georgia Power Company has requested the City of Atlanta to grant them a permanent construction and maintenance easement for the purpose of enabling Georgia Power Company to service and maintain their equipment that will be installed in Piedmont Park. The work as proposed has been divided into five (5) phases. Phases I and II have been completed. This requested easement will impact Phase III and is scheduled for implementation to provide aeration for the Lake in Piedmont Park.

Piedmont Park Conservancy, Inc. will be paying all costs associated with this request in an amount of \$1,000,000.00, that includes all five (5) Phases of the project.

**FINANCIAL IMPACT (if any):** None to the City of Atlanta.

**MAYOR'S STAFF ONLY:**

Received by Mayor's Office:

5/28/02  
(date)

Reviewed:

JS  
(initials/date)